GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Prohibition and Excise Department – Allegation of grant of Event Permission on 13-04-2019 at Viswanadha Beach front, Rushikonda, Visakhapatnam – Violation of Guidelines and Model Code of Conduct (MCC) of General Elections 2019 – Disciplinary action against Smt.K.Suryakumari, the then P&EI, Pendurthi, Visakhapatnam – Common disciplinary proceedings were initiated under Rule 24 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Articles of charge framed - Orders – Issued.

REVENUE (VIGILANCE-IV) DEPARTMENT

G.O.Rt.No.1044 **Dated:17-10-2019.**

G.O.Ms.No.436, Revenue (Vigilance-IV) Department, dated:17-10-2019.

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ORDER:

In continuation to the orders issued in the reference read above, it is considered necessary to hold an enquiry against Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct and misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I), the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure- III&IV).

3. Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam, is directed to submit written statement of her defence within 10 days of the receipt of this order.

4. Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5 Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam is further informed that if she does not submit her written statement of defence on or before the date specified in para (3) above further action will be processed based on the material available.

6. Attention of Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rule, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her services under the Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
Sri Smt.K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, Visakhapatnam
(Through Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada with a request to serve the article of charges to the individual and furnish served copy with dated signature for record).
The Commissioner, Prohibition & Excise Department, Andhra Pradesh, Vijayawada.
The Deputy Commissioner, Prohibition & Excise Department, Visakhapatnam.
SC/Sf

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE - I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAISNT SMT.K. SURYA KUMARI, THE THEN P&EI, PENDURTHI, VISAKHAPATNAM DISTRICT.

Smt K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi is herein referred as Charged Officer.

Article of Charge - I

Smt K.Suryakumari, Prohibition & Excise Inspector while working as Prohibition & Excise Inspector, Pendurthi, Visakhapatnam District being a uniformed Government Servant committed grave misconduct by recommending of application for grant of Event Permit Licensee on 13.04.2019 at Vishwanadh Beach Front, Rushikonda, Visakhapatnam District, while Model Code of Conduct was in force, which is a serious negligence, criminal misconduct and dereliction of duty.

Thus, Smt K.Suryakumari, the then Prohibition & Excise Inspector, Pendurthi, by her above mentioned acts has exhibited lack of integrity, devotion to duty, discipline and sense of propriety thereby contravened Rule 3(1) of Andhra Pradesh Civil services (Conduct) Rules, 1964.

Article of Charge - II:

That the uniformed Government Servant, being the Station House Officer and who is suppose to prevent the supply and consumption of narcotic drugs, miserably failed to detect the narcotic drugs which was supplied in the rave party organized in her jurisdiction on 13.04.2019, thereby she violated Rule 3(3) of Andhra Pradesh Civil services (Conduct) Rules, 1964, as she acted in a manner which placed her official position under embarrassment.

Article of Charge - III:

That the uniformed Government Servant being the Station House officer failed to implement the instructions of the Superior Officers regarding implementation of Model Code of Conduct during General Elections 2019, thereby she violated Rule 3(2) of Andhra Pradesh Civil services (Conduct) Rules, 1964, as she behaved in a manner which is unbecoming of Government servant.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAISNT SMT.K. SURYA KUMARI, THE THEN P&EI, PENDURTHI, VISAKHAPATNAM DISTRICT.

The Commissioner, Prohibition & Excise has issued certain guidelines in the Action Plan for General Elections 2019 to field officers at page No.22, Point No 12-h that “No Event Permit Licenses will be granted during the operation of the Model Code of Conduct”. While, the Model Code Conduct is in force, the SHO, Pendurthi has recommended the application of event permission pertaining to the M/s Viswanadham Beach Front, Rushikonda, Visakhapatnam and subsequently the Prohibition & Excise Superintendent, Gajuwaka granted event permission on 13.04.2019 in the name of hosting Dinner with liquor to the guests; it caused to some narcotic drugs were supplied to the participants.

The Commissioner of Police, Visakhapatnam has reported that a case was registered at Arilova Police station, Dwaraka Sub-Division, Vishakhapatnam city in Cr. No.133/2019 U/s 21(a) of NDPS ACT for some narcotic drug peddling in the rave party at Vishwanadh beach front, Rushikonda, Visakhapatnam on 13.04.2019 that on investigation it was revealed that the organizer conducted rave party by obtaining Event permission on 13.04.2019 at Vishwanadh beach front, Rushikonda, Visakhapatnam, in the name of hosting Dinner with liquor to the guests, from the Prohibition and Excise Superintendent, Gajuwaka in violation of the guidelines issued by the Commissioner of Prohibition and Excise and also violated the Model Code of Conduct of General Elections 2019.

Similarly the Collector & District Election Officer, Visakhapatnam also reported that the uniformed Government servant has violated Model Code of Conduct by granting even Permit.

The Commissioner of Prohibition and Excise has conducted enquiry into the above incident by appointing Joint Commissioner (Distilleries), O/o Commissioner, Prohibition & Excise, Andhra Pradesh, Vijayawada. The Enquiry Officer has conducted detailed enquiry and submitted report stating among other things that Smt K.Suryakumari, Prohibition & Excise Inspector, Pendurthi, being in a responsible post has failed in discharging the legible duties and processed that proposals against the instructions to be followed during the Model Code of Conduct is in force. In-spite of knowing the rules and regulations to be followed during Model Code of Conduct for grant of Event Permit deliberately took a very lenient view in submitting / recommending for grant of Event Permit.

Thus, Smt K.Suryakumari, the then Prohibition and Excise Inspector, Pendurthi, by her above mentioned acts has exhibited lack of integrity, devotion to duty, discipline and sense of propriety thereby contravened Rule 3 of Andhra Pradesh Civil services (Conduct) Rules, 1964. Hence, the Articles of Charge.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE – III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SMT.K. SURYA KUMARI, THE THEN P&EI, PENDURTHI, VISAKHAPATNAM DISTRICT ARE PROPOSED TO BE SUSTAINED.

1. C.No.88/Genl/DCP,L&O Zone-1/VSP city dt: 20.04.2019 of the Commissioner of police, Visakhapatnam.
2. File No. PE-ADMOEST (dpc) 3/2019-JA (A)-DCP & EVSKP, Collector, Visakhapatnam, dt:22.04.2019.
3. Enquiry report submitted by the Inquiry Officer (JC (D), O/o CPE, AP, Vijayawada) dt: 07.05.2019.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SMT.K. SURYA KUMARI, THE THEN P&EI, PENDURTHI, VISAKHAPATNAM DISTRICT ARE PROPOSED TO BE SUSTAINED.

NIL

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

SECTION OFFICER